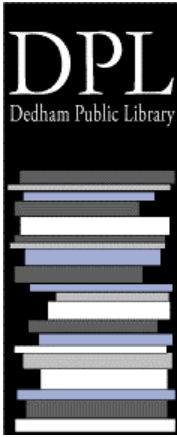


**Dedham Public Library  
Meeting of the Board of Trustees  
Tuesday, December 13, 2011 at the Main @ 7:30 pm**

**Agenda**

1. Public input
2. Minutes of the November meeting
3. Financial report
4. Director's report
5. Old Business
  - a. School library collaboration update
  - b. Search Committee update
  - c. Custodial event pay procedure
6. New Business
  - a. Building use policy
  - b. Brochure/handout discussion
7. Executive session (if needed)



# Dedham Public Library

Massachusetts. Minuteman. You.

43 Church St.  
Dedham, MA 02026  
781.751.9284  
<http://library.dedham-ma.gov/>

Joseph D'Amico, Chair  
Brad Bauer  
Michael Chalifoux  
Rebecca Peluso  
Rachel Tuerck

<b>DPL TRUSTEES MEETING MINUTES</b>	
<b>DECEMBER 13, 2011, MAIN LIBRARY, 7:30PM</b>	
<b>MEETING CALLED BY</b>	DPL Trustees
<b>TYPE OF MEETING</b>	Monthly Meeting
<b>CHAIRMAN</b>	Joe D'Amico
<b>SECRETARY</b>	Rachel Tuerck
<b>ATTENDEES</b>	Joe D'Amico, Rachel Tuerck, Brad Bauer, Mike Chalifoux
<b>PUBLIC ATTENDEES</b>	Hana Heald, Cecilia Emery Butler, Margo Wereta, Julia Prentice

## 1. DISCUSSION:

Julia Prentice made a request to partner with DLIT for the Dedham Reads event around Prohibition era and requested to have the ballots available at the libraries. Julia was asked to have someone from DLIT contact Ms. Hoffer to discuss possible involvement.

Cecilia Butler asked about the status on spending money on books and salaries. Ms. Hoffer replied the library is on target for spending.

Hana Heald asked (as a resident, not as a member of the press) if Prohibition was an appropriate topic for children regarding the town-wide reading program. Ms. Peluso and Ms. Tuerck responded that it was part of our country's history, and it should be possible to arrange age-appropriate materials and programming options.

## 2. MINUTES:

A motion to accept the minutes as amended was made by Brad Bauer, seconded by Mike Chalifoux. The motion passed.

A suggestion was made to have a paper copy of past minutes in a binder going back to the start of the Open Meeting Law, and the binder would be available at the Main Library.

Action Item	Person	Date Due
Start binder of past meeting minutes	Beth Hoffer	Next meeting in January

### 3. FINANCIAL REPORT:

Mr. Bauer made the suggestion to cut out 5999 Arbitration Line, which was carried over from last year.

Mr. Bauer made the motion to accept the budget report with line 5999 cut; Mr. Chalifoux seconded. Mr. Chalifoux proposed a “smart” worksheet with cumulative totals that will be reviewed by the trustees before the next meeting. Motion to accept the budget report passed.

After much investigation, it turns out the library NEVER received dog tax money because it wasn’t allocated. Past forms to the MBLC had included the dog tax. By correcting these dollar amounts, the DPL’s MAR has been reduced to about \$1,063,000.

Action Item	Person	Date Due
Send electronic version of “smart” Excel worksheet with built-in formulas to Trustees	Mike Chalifoux	Prior to meeting in January
Review new smart sheet from Mike	All Trustees	Next meeting in January
Follow up with Town Hall to move money in line 5200	Beth Hoffer and Rosemarie	Next meeting in January
Find out where Fund 424 money is, since not on green sheets from Town Hall	Per Mariellen Murphy via email: state aid (Fund 424) doesn’t appear on “green sheets” (print outs from town hall) until after the town audit. Beth will find out how to access it online and include in budget report for next meeting.	Next meeting in January
Answer question regarding the dog tax money	Beth Hoffer and Rosemarie	CLOSED (see above)
Find 2-3k in gift account line item that should have carried over from last	Beth Hoffer and Rosemarie	Next meeting in January

year.		
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#### 4. DIRECTOR'S REPORT:

- a. Slates - everything is sound now.
- b. Dry wells around property not draining properly; need to get cleaned out. Facilities manager was here and will contemplate on solution. Beth will ask John if dry wells are cleaned out every year.
- c. Large computer table at the Main - IT doesn't have money to install drops; should postpone for permanent director and next fiscal year.
- d. Front steps facilities manager working on bid for front steps asked for top 5:
  - 1) second pump on furnace
  - 2) exterior paint and trim needs to be done
  - 3) rod iron fire escape, needs to be repainted
  - 3) parking lot
  - 4) crumbling paint in the basement stacks
- e. asked John for list of capital outlay projects for upcoming years
- f) Ned Richards answer reduces town requirement reduces MAR \$87,000 (from 1.15m)
- g. Materials:
- h: Gift account line item in library, can be deposited directly to library and it carries over.
- i. School / Library Collaboration: met with Don L. he is in agreement to deposit collection. Second batch: go back with Don L. for Beth \$3000 student use.
- j. Concern about patron reserve addressed.
- k. key reader for different areas to order books, suggestions go through "key reader."
- l. Staffing - understaffed

Action Item	Person	Date Due
Ask John Flynn about the dry wells.	Beth Hoffer	January
Alternative for reserve books, explore with MLN <b>Request alias or spine down - CLOSED</b>	Beth Hoffer	CLOSED
Snow removal - follow up with DPW. John will call Mr. D'Amico to decide about shoveling snow after town hall hours or Saturdays. Library follows town hall (not the schools on weekdays). Ms. Hoffer will be on automated call list from town hall.	Beth Hoffer	CLOSED

Mr. Chalifoux will draft snow day policy. Vote on final next month.	Mike Chalifoux	January Meeting
People counter numbers added to the director's report.	Beth Hoffer	January Meeting
Include circulation numbers (next month), programs and number of program attendees.	Beth Hoffer	January Meeting

## 5. OLD BUSINESS:

- a. Interviews for permanent director are in full swing.
- b. Custodial Pay: For outside organizations that require a custodian after regular hours, a dollar amount depending on the length of time is predetermined. The organization writes a check made out to Town of Dedham that will go into a revolving account Town Hall for detail. The amount is then transferred to the paycheck of the custodian.
- c. Ms. Hoffer asked for additional guidance on second batch of books for the school deposit collection. She was told to follow up with Don Langenhorst.

Action Item	Person	Date Due
Follow up with Bill Keegan on proper process for hiring director	Mr. D'Amico	CLOSED
MLN: "Deposit Collection" solution. Follow up with NEASC on counts. Send email for school usage. Check with Isabella on status of 2 <sup>nd</sup> batch of books; get 1 <sup>st</sup> batch entered into MLN as Deposit Collection	Beth Hoffer	CLOSED
Contract from town hall to get Interim Director	Mr. D'Amico	CLOSED
"Deposit Collection" school process to Mr. Bauer	Rachel Tuerck, Beth Hoffer, and Don Langenhorst	January Meeting
Talk with Don L. on selections of remaining batch of books to reflect books for students (not professional books for school librarians)	Beth Hoffer	January Meeting

## 6. NEW BUSINESS:

- a. Building Policy: DPL needs a policy for groups asking to use the library after hours. Mr. Bauer will “Dedhamize” the Bethel CT library policy, review Ms. Hoffer’s analysis of MLN meeting room policies and present at next meeting.
- b. Handout/brochure discussion: A policy for the director to approve or decline handouts was discussed.
- c. The Friends’ book sale is set for Feb 4 & 6 at the Main. Custodians need to be notified.
- d. Town Counsel provided an opinion that the Statement of Work and the procurement process used to get a library consultant was acceptable.

Action Item	Person	Date Due
Building Usage Policy Draft	Mr. Bauer	January
Beth is going to review current policies for handouts & brochures	Ms. Hoffer	January
Personnel issue with comp time	Mr. D’Amico	CLOSED
Budget proposal	Mike Chalifoux and Brad Bauer	January
Forward Beth policies	Rachel Tuerck	CLOSED

ACTION ITEM REVIEW to be added to agenda and minutes.

Set dates for future meetings:

January: Wednesday, January 18, 2012, 7:30pm at the Endicott Library

Mr. Bauer moved to adjourn the meeting, Ms. Peluso seconded. The motion passed and the meeting adjourned at 9:21pm.

Respectfully submitted,

Rachel Tuerck, Secretary

Attachments:

Agenda

Director’s Report

Budget Status Report

Library Bill of Rights

List of books from schools

Mr. Chalifoux’s Proposal for Budget Report

Letter from Town Counsel

## Director's Report December 8, 2011

- Building and Grounds  
16 roof slates were replaced

I became involved in the roof/downspout project when John was on vacation. There was a question about some downspouts disappearing that we are still trying to figure out. During my discussion with the workers, it appeared that the downspout work was a larger job than originally thought. Therefore, I halted all but the roof work until John and I could meet with the town's Facilities' Manager. The facilities' manager assessed the situation and said that we need to fix the cause of the problem and not the effect of the problem or we would continually be putting money in to the downspouts. The downspouts empty into several dry wells placed throughout the grounds. He said the dry wells are clogged, causing water to back up in to the downspouts and then in cold weather the water freezes and the downspouts expand. He said that none of the downspouts are currently "split" as we had been told, and therefore recommended no work be done on the downspouts at this time. John will be overseeing this project with the Facilities' Manager's input.

Rosemarie is requesting from town hall copies of the recent invoices from Willard as they are missing from our files. We need to determine how many downspouts the library purchased and if they are all in place.

I became involved in the purchase of the multiple computer station table when John requested my presence when the carpenter came by with the final diagram. John gave the go ahead for the project, but then called him back to put a hold on the order at my request when I pointed out that we needed 3 quotes due to the price of the table (anything over \$5,000 needs 3 quotes). As neither John nor Lisa felt that they could get the other two quotes, I started looking into prefabricated options as well as another fine woodworker. During this process, I asked Lisa where the printer was going to understand the layout of the table. She said that it would sit on a small table somewhere. I pointed out that the printer needed to be plugged in to the back of the pcs as the town is not set up for wireless. Similarly, no thought had been given to computer drops. I called IT and they do not have money in the budget to move the drops until FY13. Veronica also mentioned that this would be the absolute last time that they would move the public computers. Since the money for the drops will not be available until next fiscal year, I recommend putting off the purchase of the table until the permanent director is in place and can assess the space and electronic needs of the library. The capital outlay that was appropriated for the purchase of the table can carry over to the following fiscal year.

The facilities manager and John looked at other areas of concern. He said that if we wait a couple of weeks to replace the pump for the furnace, he can send someone over and we could save quite a bit on labor. John got someone in for an estimate.

I understand that John feels that I overstepped my bounds by cancelling both jobs. In the future, John will be working on building and grounds in an autonomous manner. It has been explained to me that this was how it was done in the past and I have no problem with him working on his own. To this end, he will be submitting the Building and Grounds Report in the future.

I have asked John to prepare a list of future years' capital outlay projects. For now, he is recommending that the building exterior of Church St. be painted in FY13. He has a call out to get an estimate.

- Counter

The battery for the front door (Church St) counter died. It was replaced, but we do not know how long it was out. The battery lasted 2 months.

- Budget

Line Item 5700 is the Materials (Book) line item. There are two "sub-items" that do not belong in that line item: 5702 "Professional Development" and 5703 "Travel Expenses". I contacted Mariellen, and we will be able to place those two lines elsewhere in the budget leaving 5700 for materials only in the FY13.

Dog Tax: There has been concern over the fact that the dog tax monies have been reported to the state as library appropriated funds. I have sent the dollar amounts of the dog tax line item to the state. When I spoke with Ned Richards of the MBLC, he stated that he thinks the discrepancy that was caused by the library reporting the dog tax as appropriated was caught when the state did its audit. However, he is going to double check to be sure. If the state did not make the change and Ned is able to make the change now, there is a possibility that he may be able to lower the MAR. (Note: The "dog tax money" needs to be appropriated to the library budget at town meeting). Recently, it came to my attention that Mike has already sent the corrected numbers (total budget minus the dog tax) to Ned some time ago and Ned made the necessary changes at that time.

Utilities: Utilities were removed from the library budget in FY06. I am working on getting the numbers for those line items for the previous three years. There is a possibility that the state may be able to adjust the MAR to reflect the decrease in the overall budget. However, too much time may have passed, but they are willing to take a look. For future reference, a decrease in the library's budget due to the town assuming cost for the library should be reported during the year of occurrence.

Line Items: Rosemarie and I will work on creating new sub-categories for the line items. For instance, we have one "supply" line item that pays for janitorial, office, library and groundskeeping supplies. I think a better case will be made for the budget if it is readily apparent just where the money is going. I will also make up an itemized list of the types of purchases made in each category.



I will be asking staff to keep a running list of all supply items that they use. In addition, I have asked John to make a list of all services that we purchase on a regular basis. That way, when the trustees present the budget to fincom, it will be apparent that the requested budget is needed for the library to function.

- School/Library Collaboration

Rachel, Don and I met to discuss the library's outline for the collaboration. Don agrees with it and is very appreciative that the library is offering the deposit collection. At a time to be determined, the Dedham Library books that are currently at the middle school will be returned to the public library to be cataloged and entered in to the Minuteman system.

Don reported that there were 57 circulations from the DPL deposit collection for the month of November and 149 since inception.

- Reserves

All reserve books are now shelved spine down. I have posted signs requesting patrons to sign up for an alias at the desk. I am waiting to hear back from the Director of Minuteman concerning the policy behind the reserve books being on open shelving.

- Collection Development

I sat down with the staff to assess the collections of both Church St and Endicott. We have identified some key areas for each library that are either lacking or outdated.

Five key readers have been assigned to read reviews for non-fiction and fiction. I have recently concentrated on updating the travel section and audiobooks.

- State Buying Coop

Dedham Public Library did not sign up to be part of the purchasing coop offered through the state's regional office. I believe sign up was in March. I am in the process of officially signing Dedham up to be included in the list. There is one coop for supplies and another for books. It appears that the book jobbers have been extending the full discount to us in spite of the fact that we are not members.

- Staffing

This week alone, there have been three people out sick, one on vacation and one emergency call. Everyone is pitching to keep the library functional. Two of the people who are ill may be out long term.

There is no staff meeting for December as there was no date that everyone was here and no one was out for one reason or another. A staff meeting for early January is planned.

- Police Call

The police were called at my request to deal with a patron who was under the influence of alcohol and drugs. He was sent by ambulance to the hospital.

[illegible]

# Children's Stats ~~Dec~~ Nov 2011

**Beth Hoffer**

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**From:** Patricia Reilly [PREilly@minlib.net]  
**Sent:** Tuesday, December 13, 2011 6:00 PM  
**To:** Beth Hoffer  
**Subject:** Children's Programs, November 2011 Stats

For the month of November 2011, we held 13 Storytime programs for a total attendance of 71 children, broken down as follows:

5 Programs for Tots (Ages Birth to 2 yrs.) - 43 attendees  
5 Programs for Older (Ages 3 1/2 to 5) - 10 attendees  
3 Programs for Toddlers (Ages 2 1/2 to 3 1/2 ) - 18 attendees

Special educator Marsha Wright conducted 3 Programs, one for very young children, 9 months to 3 years of age, and two for preschoolers. The program for the youngest children had 22 attendees and the preschool programs had 6 and 7, respectively. Ms. Marsha's totals, thus, were 3 programs with attendance of 35.

Adding all together, monthly total equals 16 programs with 106 children.

Patricia Reilly  
Children's Librarian  
Dedham Public Library  
43 Church Street  
Dedham, MA 02026  
781-751-9283

# Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries that make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

100 literacy lifesavers: survival guide for librarians and teachers k – 12	\$43.20
Atlas of the World, University Press	\$79.96
Booktalks and beyond: promoting great genre reads to teens	\$43.20
Catalog it! A guide to cataloging school library materials	\$50.70
Chronology of American military history	\$299.96
Clothing through American History	\$91.80
Coast to coast: exploring state book swards	\$43.20
Crash Course in Web design for libraries	\$32.40
Dave Pelz's golf without fear:how to play the 10 most feared shots in golf	\$33.96
Designing a school library media center for the future	\$56.96
A disciplinary blueprint for the assessment of information literacy	\$37.80
The documentary handbook	\$140.40
Empowering learners: guidelines for school library media programs	\$38.96
Encountering enchantment: a guide to speculative fiction for teens	\$51.84
Encouraging and supporting student inquiry: researching controversial issues	\$43.20
Encyclopedia of American environmental history	\$359.96
Encyclopedia of US political history	<b>\$1,199.96</b>
Ensuring intellectual freedom and access to information in the school library	\$43.20
Environment, technology and sustainability	164.96
Essential reference services for today's school media	\$48.60
Essential documents for today's school media specialists	\$53.96
Facilities planning for school library to technology centers	\$43.15
Fluent in fantasy: the next generation	\$56.16
Fool's gold: why the internet is no substitute for a library	\$44.96
The forites in America	\$363.96
From cover to cover: evaluating and reviewing children's books	\$19.36
Fundamentals of school library media management	\$64.75
Good books matter: how to choose and use children's literature to help students grow as readers	\$21.06
Green Reads: best environmental resources for youth k-12	15.53.96
Guide for developing and evaluating school library programs	\$48.60
Guide to reference materials for school library media centers	\$64.80
A guide to teaching information literacy	\$118.80
The Handy 5: planning and assessing integrated information skills instruction	\$38.50
Health info in a changing world: practical approaches for teachers, schools...	\$48.60
Historical fiction for teens: a genre guide	\$48.60
Historical fiction II: a guide to the genre	\$70.20
Holocaust literature	\$119.96
Holocaust survivors: a biographical dictionary	\$188.96
Informtion literacy instruction	\$80.96
Information literacy...	\$29.99
Information literacy: search strategies...	\$48.55
The innovative school librarian	\$118.80
Intellectual property: everything the librarian needs to know	\$59.96
Leadership for excellence: Nat; School Library...	\$44.96
Librarian's handbook for Seeking Writing and managing grants	\$53.96

Librarians as learning specialist \$43.20  
 Library 101: handbook for the school library media specialist \$38.80  
 Library and nfo cet magt \$75.60  
 Library collection dev policies: school libraries \$43.96  
 Library partnerships \$42.66  
 Literature for today's young adults \$143.60  
 Literature links to world history k-12 \$70.20  
 Look it's book: marketing your library \$49.95  
 The many faces of school library leadership \$43.20  
 Masterplots **\$1.199.96**  
 Meeting the challenge of adolescent literacy: ideas for literacy leaders \$34.95  
 Miles0tne documents in African Am history: exploring essential primary sources \$349.96  
 Milestone documents of world religions... \$324.96  
 More hands-on information literacy activities \$80.96  
 New on the jog: a school library media specialit's guide to success \$44.96  
 The Newbery and Caldecott awards: guide to the medal honor books \$24.96  
 No school library left behind \$43.15  
 Novels for Students (37 titles) **\$4,261.83**  
 The official YALSA awards guidebook \$59.60  
 Plagiarism: whyit happens, how to prevent it \$25.65  
 Popular series fiction for middle shool and teen... \$70.20  
 Postwar literature \$49.96  
 The power of media specialist to improve academic... \$48.55  
 Protecting intellectual freedom in your school library \$49.95  
 Radical reads 2: working with the newest edgy titles \$44.96  
 The RDA primer: a guide for the occasional cataloger \$43.20  
 Re-designing the high school library... \$48.60  
 Research based reading strategies in the library... \$43.20  
 The resilient school library \$43.20  
 Scool libraries head for the edge: rants... \$37.80  
 School library management \$50.70  
 The school library media manager \$59.40  
 The school library media specialist's policy and procedure writer \$80.96  
 Sex, brains and video games: a librarian's guide \$41.96  
 Simply indispensable: an action guride for school librarians \$37.80  
 Social readers: promoting reading... \$37.80  
 Solving the reading riddle: the librarian's guide... \$43.20  
 SSR with intervention: a shool library action research project \$37.80  
 Standard cataloging for school and public libraries %453.96  
 Star to finish YA programs \$80.96 Stephen King \$84.96  
 Substance Abuse: a reference handbook \$59.40  
 Teaching generation M \$91.80  
 Technology for the school librarian \$53.96  
 Technology management handbook for the school library media center \$48.60  
 The teen-centered writing club \$43.20  
 Teen chick lit: a guide \$48.60

Teengenreflecting: Guide to reading interests	\$51.84
This is my life: a guide to realistic fiction for teens	\$59.90
Tips and other ideas for secondary school libraries	\$37.80
Trials of the century	\$194.40
Urban teens in the library: research and practice	\$59.96
Virtual reference on a budget	\$43.15
What they don't teach you in library school	\$51.96
World at risk: a global issues sourcebook	\$169.96
Write grants, get money	\$48.55
Young adult literature in action: a librarian's guide	\$53.96

# Mike's Proposal

Project	Account Name	Adjusted Budget	Actual Sept. - 11	Actual Oct - 11	Actual Nov. 25 - 11	Actual Dec	Expended %
	Regular Personnel Services	758,732.00	50000	51517.82	53480.14		40%
	Annual Sub Total		199,850.20	251,368.02	304,848.16	304,848.16	
5120	Overtime	10,100.00	551.96	681.44	681.44		7%
	Annual Sub Total		551.96	1,233.40	1,914.84	1,914.84	
5770	Library Materials	134,500.00	17,931.21	29,615.75	24,156.86		53%
	Annual Sub Total		17,931.21	47,546.96	71,703.82	71,703.82	
	Purchase of Services	55,500.00	43,619.74	738.44	864.76	0.00	
5239	Infrastructure - Misc	8,600.00	1,750.22	717.00	779.44		38%
5260	Network-MLN	39,400.00	38,319.00	0.00	0.00		100%
5610	Software/Hardware	7,500.00	3,550.52	21.44	85.32		49%
	Annual Sub Total	55,500.00	43,619.74	44,358.18	45,222.94	45,222.94	81%
	Supplies	12000.00	914.30	2,538.15	2,010.35		46%
	Annual Sub Total		914.30	3,452.45	5,462.80	5,462.80	
	Other Charges & Expenses	10,800.00	2,175.00	46.00	32.08	-	51%
	Meetings, Seminars & Conferences	2,000.00	0	46.00	32.08		4%
5702	Travel Expenses	8,800.00	2,175.00				33%
	Annual Sub Total		2,175.00	46.00	32.08	-	
	Monthly Total		114,277.91	82,599.45	79,215.28	-	
	Annual Total	981,632.00	265,042.41	347,453.05	427,951.24	427,237.72	41%



As I understand the circumstances, a member of the Board of Library Trustees sought quotations from three planning consultants based upon the interest of the Board in obtaining long range planning assistance. The names of the vendors from whom quotes were sought were provided by the Assistant Director of the Massachusetts Library System. According to the solicitation, which included a substantial scope of work, the lowest-priced proposal would be selected. It appears that Ms. Nancy Rea's proposal was selected, with a total amount of \$17,400. No responses were received from the other vendors to whom the solicitations were sent. The intent is to use the scope of work as the "contract" for this project.

In my opinion, this project, consisting of the supply of services, is subject to the procurement requirements of G.L. c. 30B, the Uniform Procurement Act. I am not aware of any qualifications for the long-range planner that would allow for an exemption from bidding for "architects, engineers and related professionals" as provided under G.L. c. 30B, sec. 1(b)(32A). The provisions of G.L. c. 30B, sec. 4 allow for the solicitation of quotes "for the procurement of a supply or service in the amount of \$5,000 or greater, but less than \$25,000." As noted above, the Board of Library Trustees sought quotations from three consultants and received a single proposal offering to provide the requested services for \$17,400, which amount is less than \$25,000. Therefore, in my opinion, the Board utilized an appropriate procurement procedure for this work.

Of note, however, is the communication had with Ms. Rea prior to the bid process. On February 16, 2011, Ms. Rea appeared before the Board and was allowed to discuss long-range planning objectives, and provided the Board with a copy of her resume. It is unclear from the documents I reviewed whether the Board had previously discussed such an undertaking or whether Ms. Rea attended the meeting of the Board in response to such discussions. However, Ms. Rea certainly appeared to be promoting the project prior to the procurement process having been undertaken. The documents do not indicate that Ms. Rea had any specific advantage in obtaining this work, although it is possible that her submissions to the Board may have influenced the content of the scope of work included with the solicitation for quotes.

In my opinion, provided that all proposers had an equal ability to obtain the work, the procurement procedure utilized for this project is acceptable. The failure of the two other vendors to submit quotes does not, in my opinion, invalidate the process. It is not known whether either of them was disadvantaged by the earlier communications between Ms. Rea and the Board. Such an allegation could be a basis to the award of the contract to Ms. Rea, although the Town would certainly defend the action of the Board by arguing that Ms. Rea simply provided information to the Board but did not dictate the terms of the procurement. I do, however, recommend that the scope of work be incorporated into a proper contract form, as the document suggested as a "contract" does not include standard contractual terms. I have attached a form goods and services contract for your consideration with respect to this project.

Mark R. Reich, Esq.  
Kopelman and Paige, P.C.